

JAN 27 2006

LAW OFFICES OF  
**MACMILLAN, SOBANSKI & TODD, LLC**

Richard S. MacMillan  
Mark J. Sobanski  
Oliver E. Todd, Jr.  
Ted C. Gillespie  
Douglas V. Pavelko  
John B. Molnar  
Catherine B. Martineau  
Gregg W. Emch  
Gary M. Sutter  
Thedford I. Hitaffer  
Scott A. Blake  
Gregory W. Robinette  
Staci E. Schweikert  
Anita Toska  
James Schweikert  
C. Fred Charpie, III

One Maritime Plaza  
Fourth Floor  
720 Water Street  
Toledo, Ohio 43604-1853

Telephone (419) 255-5900  
Facsimile (419) 255-9639  
e-mail: robinette@mstfirm.com

Livonia, Michigan Office  
Mark L. Mollon  
Donald A. Wilkinson  
Frank G. McKenzie  
Frank L. Lollo  
38705 Seven Mile Road, Suite 405  
Livonia, Michigan 48152-3987  
Telephone (734) 542-0900

Of Counsel  
Allen W. Inks

**VIA FACSIMILE**

**To:** USPTO  
**Fax No:** 571-273-8300  
**From:** Gregory W. Robinette  
**Date:** January 27, 2006  
**Fax:** 419-255-9639  
**Re:** Please see the attached Request For Reconsideration (2 pages).

**Total pages including cover page:** 3

**Comments:** If you have any questions, please feel free to call our office.

Thank you.

**CONFIDENTIALITY NOTICE**

The documents accompanying this transmission contain confidential information intended for a specific individual and purpose. The information is private, and is protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this communication in error, please notify us at 419/255-5900 (collect) so that we can arrange for the retrieval of the original document at no cost to you. Thank you.

CERTIFICATE OF FACSIMILE TRANSMISSIONPATENT

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Kathy M. Brownfield  
(signature)

KATHY M. BROWNFIELD  
(name of person signing certificate)

RECEIVED  
CENTRAL FAX CENTER

JAN 27 2006

Date: January 27, 2006 No. of Pages: 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	) Confirmation No.: 5305
ALAN STURT	)
Serial No.: 10/802,905	) Group Art Unit: 3632
Filed: March 17, 2004	) Examiner: Amy Jo Sterling
For: ADJUSTABLE BEVERAGE HOLDER	) Attorney Docket: 1-74608

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

REQUEST FOR RECONSIDERATION

Honorable Sir:

Reconsideration of the above-identified application is respectfully requested in light of the following remarks.

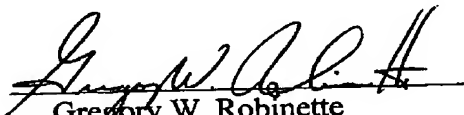
REMARKS

The courtesy of the Examiner in granting Richard S. MacMillan and the undersigned attorney a personal interview on January 26, 2006 is gratefully acknowledged. During that interview, Claim 23 was discussed in light of the Withun et al. reference. Specifically, it was discussed that the Withun et al. reference discloses a reactive element, rather than an actuating mechanism for causing movement of the leaf members, as recited in Claim 23. It was also discussed that the Withun et al. reference does not show or suggest a screw flight, as recited in dependent Claims 25, 26, 29, and 30.

Attorney Docket No. 1-74608

As noted in the Interview Summary dated January 26, 2006, the Examiner agreed with the discussions and agreed to act favorably on this Request for Reconsideration when filed. Additionally, the Examiner agreed to withdraw the objection to Claim 24.

Respectfully submitted,

  
Gregory W. Robinette  
Reg. No. 56,117

MacMillan, Sobanski & Todd, LLC  
One Maritime Plaza, Fourth Floor  
720 Water Street  
Toledo, Ohio 43604  
(419) 255-5900